

**Title 11, Division 1. Chapter 4. Regulations Adopted Pursuant to the Supervision of Trustees and Fundraisers for Charitable Purposes Act.**

**§300. Filing ~~Trust Instrument~~ Initial Registration.**

Every charitable corporation, unincorporated association, trustee or other person subject to the registration requirements ~~required by the provisions~~ of that act entitled the “Supervision of Trustees and Fundraisers for Charitable Purposes Act” (Article 7, Chapter 6, Part 2, Division 3, Title 2, of the Government Code commencing with Section 12580) shall file with the Attorney General as required by that Act a copy of the articles of incorporation and ~~by-laws~~ bylaws, trust agreement, decree of distribution or other instrument providing for his title, powers or duties. Filing of the applicable documents and a required registration fee of \$25 shall constitute the initial registration.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

**§301. Periodic Written Reports.**

Every charitable corporation, unincorporated association, trustee, or other person subject to the reporting requirements, ~~required by the provisions~~ of the “Supervision of Trustees and Fundraisers for Charitable Purposes Act” shall also file with the Attorney General periodic written reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by such corporation, unincorporated association, trustee, or other person. These reports include the Registration/Renewal Fee Report (“RRF-1”), which must be filed with the Registry of Charitable Trusts annually by all registered charities, as well as the Internal Revenue Service Form 990, which must be filed on an annual basis with the Registry of Charitable Trusts, as well as with the Internal Revenue Service. At the time of the annual renewal of registration, the registrant must submit a fee, as set forth in section 311.

A tax-exempt charitable organization which is allowed to file form 990PF or 990EZ with the Internal Revenue Service, may file that form with the Registry of Charitable Trusts in lieu of Form 990.

A charitable organization that is not exempt from taxation under federal law shall use Internal Revenue Service Form 990 to comply with the reporting provisions of the Supervision of Trustees and Fundraisers for Charitable Purposes Act. The form shall include, at the top of the page, in 10-point type, all capital letters, “THIS ORGANIZATION IS NOT EXEMPT FROM TAXATION.”

Registration requirements for commercial fundraisers, fundraising counsel, and commercial coventurers are set forth in section 308.

NOTE: Authority cited: Sections 12586 (a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **302. Place of Filing.**

All instruments, reports or other data required to be filed pursuant to these regulations; or pursuant to the provisions of the ~~Uniform Supervision of Trustees for Charitable Purposes Act~~ Supervision of Trustees and Fundraisers for Charitable Purposes Act shall be filed with the ~~Registrar~~ Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§303. Filing Forms.**

All periodic written reports required to be filed under the provisions of ~~Section~~ section 12586 of the Government Code and ~~by Section section~~ 301 of these regulations shall be filed with the Registry of Charitable Trusts, and include: ~~shall be reported submitted on forms obtainable upon request from the Registrar of Charitable Trusts:~~ (1) the Registration/Renewal Fee Report ("RRF-1"); and (2) Internal Revenue Service Form 990.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§304. Time of Filing Reports.**

The first such periodic report shall be filed as required by paragraph (d) of ~~Section~~ section 12586 of the Government Code.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§305. Annual Filing of Reports.**

The periodic written reports shall thereafter be ~~reported filed~~ filed on an annual basis unless specifically required or permitted to be filed on other than an annual basis as set forth in these regulations, or when filing has been suspended by the Attorney General pursuant to Government Code ~~Section~~ section 12586. The time for filing ~~of an annual~~ any periodic report subsequent to ~~the filing of the first periodic report required to be filed on an annual basis~~ shall be not later than four (4) months and fifteen (15) days following the close of each calendar or fiscal year subsequent to the filing of the first report, but in no event less than once annually, unless for good cause extension ~~for~~ of such annual filing has been granted by the Attorney General, or otherwise excused. If the Internal Revenue Service grants an extension to file the Form 990, 990PF or 990EZ that extension will be honored by the Registry of Charitable Trusts for purposes of filing the Form 990, 990PF, or 990 EZ and the Registration/Renewal Fee Report ("RRF-1") with the Registry of Charitable Trusts. The RRF-1 and the Form 990, 990PF, or 990EZ should be filed simultaneously with the Registry of Charitable Trusts.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§306. Contents of Reports.**

(a) Every periodic report ~~required to be filed~~ shall be submitted under oath. ~~For reporting periods ending on or after December 31, 1973, every~~ Every periodic report shall be reported on the current official forms, which may be obtained from the Registrar of Charitable Trusts, office of the Attorney General, Sacramento, California. Reports shall set forth in detail all of the information required by the applicable forms set forth in these regulations. Incomplete or incorrect reports will not be accepted as meeting the requirements of the law.

(b) A copy of an account filed by a trustee in a court having jurisdiction of the trust shall not be accepted in lieu of a report on official forms unless such court accounting is identical in form and content with the official forms and is compatible without alteration with electronic data processing equipment in the same manner as reports on official forms.

(c) When requested by the Attorney General, any periodic report shall be supplemented to include such additional information as the Attorney General deems necessary to enable ~~him~~ the Attorney General to ascertain whether the corporation, trust or other relationship is being properly administered.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§307. Extended Reporting Period.**

A charitable corporation, unincorporated association, trustee, or other person otherwise required to file a Form 990, 990PF, or 990EZ ~~an annual periodic written report pursuant to Section section 305, 301~~ which that has gross revenue under twenty-five thousand dollars (\$25,000) during any fiscal year and ~~which that~~ has gross assets under \$25,000 at all times during such year, shall file a ~~report~~ Form 990, 990PF, or 990EZ subsequent to the first report required by ~~Section section 304~~, or its last report filed pursuant to ~~Section 305~~, section 305 or subsection (ii) of this ~~Section section 307~~, upon the earlier of (i) the lapse of ten years after any such filing or (ii) the occurrence of any of the following:

(1) the total gross revenue or assets of the charitable corporation, unincorporated association, or trust during any fiscal year was \$25,000 or more;

(2) the corporation or unincorporated association was dissolved or merged; the trust was terminated or modified; all or substantially all of the assets of the corporation or trust were sold or transferred; or the corporate articles were amended to change the charitable purposes of the corporation;

(3) the charitable ~~trust~~ purposes of the corporation, unincorporated association, or trust were abandoned by the directors or trustees;

(4) there were ~~self-dealing~~ any self-dealing transactions, as defined in California Corporations Code ~~Section section 5233~~, or any transactions described in Probate Code section 16004 Civil Code Section 2228, or any loans made by the corporation or trust to a director, officer or trustee.

The report filed pursuant to this ~~Section section 307~~ shall cover the most recent preceding fiscal

year of the charitable registrant.

It shall be the continuing responsibility of the directors or trustees to notify ~~the Attorney General, c/o Registry of Charitable Trusts~~ in the office of the Attorney General, Sacramento, CA 95813 California, of any change of mailing address for the corporation or trust.

All such charitable corporations and trusts having gross revenue or gross assets under \$25,000 shall be subject to ~~periodic~~ audit ~~review~~ by the Attorney General at any time, notwithstanding these extended reporting periods.

NOTE: Authority cited: Section 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

**§308. Reports of Co-Trustees, Trusts of the First Class. Registration and Notice Requirements for Commercial Fundraisers, Fundraising Counsel, and Commerical Coventurers**

Every commercial fundraiser for charitable purposes, fundraising counsel for charitable purposes, and commercial coventurer must register with the Attorney General prior to soliciting any funds in California, and annually on or before January 15 of each year. The registration requirements and fees are set forth in section 308.

(a) A “commercial fundraiser for charitable purposes”, as defined in Government Code section 12599, must submit the following at the time of initial registration and annual renewal:

(1) A completed and signed Registration Form (CT-1CF).

(2) \$350 in certified funds.

(3) The original of a properly executed \$25,000 surety bond in the registrant’s name or the original pass book or certificate of deposit indicating \$25,000 is held in the Attorney General’s name, as well as a completed and signed Bond Form (CT-4CF).

(4) An annual financial report as described in Government Code section 12599(d). The forms for the annual financial report include the Annual Financial Report/Commercial Fundraisers (CT-2CF); the Annual Financial Report/Thrift Store Operations (CT-2TCF); and the Annual Financial Report/Vehicle Donation Program (CT-2VCF). The annual financial reports must be filed on or before January 30 of each year.

(b) A “fundraising counsel for charitable purposes”, as defined in Government Code section 12599.1, must submit the following at the time of initial registration and annual renewal:

(1) A completed and signed Registration Form (CT-3CF).

(2) \$350 in certified funds.

(c) A “commercial coventurer”, as defined in Government Code section 12599.2, must submit

the following at the time of initial registration and annual renewal:

(1) A completed and signed Registration Form (CT-5CF).

(2) \$350 in certified funds.

(3) If required to file an annual financial report pursuant to Government Code section 12599.2(c), the reports shall be filed on Form CT-6CF. The annual financial reports must be filed on or before January 30 of each year.

NOTE: Authority cited: Sections 12599, 12599.1, and 12599.2, Government Code. Reference: Sections 12580-12599.5, Government Code.

(d) Every commercial fundraiser and every fundraising counsel shall file a notice of intent to solicit for charitable purposes as required by Government Code sections 12599 and 12599.1. Commercial fundraisers shall file form CT-10CF (11-04), and fundraising counsel shall file form CT-11CF (11-04). The forms shall be filed with the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California.

~~(Repealed, 1974)~~

### **§309. No Activity Report.**

~~(Repealed, 1974)~~

### **§310. Public Inspection of Charitable Trust Records.**

The register, copies of instruments and the reports filed with the Attorney General, except as provided in Government Code ~~Section~~ section 12590, shall be open to public inspection at the ~~Office~~ Registry of Charitable Trusts in the office of the Attorney General, ~~in~~ in Sacramento, California, at such reasonable times as the Attorney General may determine. Such inspection shall at all times be subject to the control and supervision of an employee of the Office of the Attorney General.

NOTE: Authority cited: Sections 12590, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§311. Annual Registration Fee.**

~~(a) A charitable corporation, trustee, or other person required to file an annual periodic written report pursuant to Government Code section 12586 and section 305 of this chapter, which has gross revenue of one-hundred thousand dollars (\$100,000) or more during any fiscal year, or which has gross assets of one-hundred thousand dollars (\$100,000) or more during any fiscal year, shall pay an annual registration fee of twenty-five dollars (\$25), payable to the Attorney General's Registry of Charitable Trusts. No periodic written form or report from any charitable corporation, unincorporated association, trustee or other person subject to this section shall be~~

accepted for filing unless accompanied by the appropriate annual registration fee.

(a) Filing and processing fees shall be paid by registrants at the time of filing as follows:

(1) a \$25 initial registration fee;

(2) an annual registration renewal fee, the amount of which shall be determined based on the registrant's gross annual revenue for the preceding fiscal year, as follows:

<u>Gross Annual Revenue</u>	<u>Fee</u>
<u>Less than \$25,000</u>	<u>0</u>
<u>Between \$25,000 and \$100,000</u>	<u>\$25</u>
<u>Between \$100,001 and \$250,000</u>	<u>\$50</u>
<u>Between \$250,001 and \$1 million</u>	<u>\$75</u>
<u>Between \$1,000,001 and \$10 million</u>	<u>\$150</u>
<u>Between \$10,000,001 and \$50 million</u>	<u>\$225</u>
<u>Greater than \$50 million</u>	<u>\$300</u>

(b) This section does not apply to commercial fundraisers for charitable purposes, as defined by Government Code section 12599, fundraising counsel, as defined by Government Code section 12599.1, or commercial coventurers, as defined by Government Code ~~Section~~ section 12599.2.  
NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

### **§312. Use of Annual Registration Fee.**

Annual registration fees paid pursuant to Government Code section 12587 and section 311 of this chapter, and registration or renewal fees paid pursuant to Government Code ~~Sections~~ sections 12599, 12599.1 and 12599.2, shall be used solely to operate and maintain the Attorney General's Registry of Charitable Trusts and provide public access via the Internet to reports filed with the Registry of Charitable Trusts in the office of the Attorney General, Sacramento, California.

NOTE: Authority cited: Sections 12586(a) and 12587, Government Code. Reference: Sections 12580-12599.5, Government Code.

#### **§312.1 Board Review of Executive Compensation**

The board of directors of a charitable corporation or unincorporated association and all trustees of a charitable trust shall review and approve the compensation, including benefits, of all of the following: every person, regardless of title, with powers, duties, or responsibilities comparable to the president, chief executive officer, treasurer, or chief financial officer.

NOTE: Authority cited: Sections 12586(g), Government Code. Reference: Sections 12580-12599.5, Government Code.